

(2024) 04 RAJ CK 0121

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 525 Of 2024

Saksham Leela S

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 25-04-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 3(2)(Va), 14A
Indian Penal Code, 1860 — Section 120B, 147, 148, 149, 307, 323, 325, 452
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 04 RAJ CK 0121

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : NK Sharma, Anita Gehlot, Kamla Goswami

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard the learned counsel for the parties and perused the material available on record.

The instant appeal has been filed under Section 14A of SC/ST (POA) Act on behalf of the appellant, who is in custody in connection with FIR No.556/2023, Police Station Hanumangarh Junction, District Hanumangarh for the offences under Sections 452, 307, 323, 325, 147, 148, 149 & 120B of IPC and under Sections 3(2)(v) & 3(2)(Va) of SC/ST (Prevention of Atrocity) Act against the order dated 19.03.2024 passed by learned Special Judge, Schedule Caste & Schedule Tribes (Prevention of Atrocities) Act Cases, Hanumangarh whereby the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Earlier the appellant filed an appeal for bail which was dismissed as not pressed by this Court vide order dated 20.02.2024 with liberty to file afresh after filing of

the challan.

Counsel for the appellant submits that the challan has been filed. The accused-appellant is in judicial custody since 16.12.2023 and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-appellant.

Learned Public Prosecutor has vehemently opposed the prayer for bail.

Having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the bar, this Court is of the opinion that the order rejecting the application for bail filed on behalf of the appellant, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 19.03.2024 passed by learned Special Judge, Schedule Caste & Schedule Tribes (Prevention of Atrocities) Act cases, Hanumangarh is set aside. It is ordered that the accused-appellant Saksham Leela S/o Shri Mahendra Leela arrested in connection with FIR No.556/2023, Police Station Hanumangarh Junction, District Hanumangarh shall be released on bail; provided he furnishes a personal bond of Rs.1,00,000/- and two surety bonds of Rs.50,000/- each to the satisfaction of the learned trial court with the stipulation to appear before that court on all dates of hearing and as and when called upon to do so.